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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,526

03/10/2004

Troy Bourgeois

U03-0142-78

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07/15/2009

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/708,526</p>	<p><b>Applicant(s)</b> BOURGEOIS ET AL.</p>	
	<p><b>Examiner</b> WILLIE J. DANIEL JR</p>	<p><b>Art Unit</b> 2617</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 08 July 2009 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the comments in this section and Final Action mailed on 12 June 2009).
2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 in the par. bridging pgs. 5-6, "...none...discloses...recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member..."; and on pg. 6, 1<sup>st</sup> full par., "...the conference call being stored as a series of short monologue files, one monologue file for each change of speaker, each monologue file being stamped and stored with an identify of the associated speaker..."; and in the par. bridging pgs. 6-7, "...transferring the recorded conference call to a voicemail server and copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Wolff and Urs that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Wolff discloses the language as related to the claimed feature(s)

in response to a request by a group member, initiating a conference call on the mobile telephone network among a specified group of communication devices (106) which reads on the claimed "mobile telephone devices" (see pg. 2, [0023]);

recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member (see pg. 2, [0018-0019]; pg. 5, [0046-0048,0051]; Fig. 3), where the system has an audio information RECORDER system (AIRS) and monitors and records communications between members of a group;

the conference call being stored as a series of short monologue files (e.g., portions), one monologue file for each change of speaker (see pg. 8, [0076-80]; Figs. 5A-E), where the system is able (or configured) to identify each speaker and corresponding speaker portion (see pg. 3, [0027]; pgs. 6-7, [0064-0065]),

each monologue file being stamped and stored with an identity of the associated speaker (see pg. 8, [0076-80]; Figs. 5A-E), where the system provides audio clip of each speaker;

transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval, and

copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox). As further support in the same field of endeavor, Urs discloses the language as related to the claimed feature(s) sending a short message service (SMS) notification of a voice mail message (see col. 6, lines 29-42), where the system provides a voice mail alert in SMS format. Therefore, the combination(s) of the reference(s) Wolff and Urs as addressed above more than adequately meets the claim limitations.

3. Regarding applicant's argument(s) of claims 2-3, the claims are addressed for the same reasons as set forth above and as applied in each claim rejection of the Final Action.